

# Exhibit G

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
MONROE DIVISION**

THE STATE OF LOUISIANA,  
By and through its Attorney General, JEFF  
LANDRY;

THE STATE OF MONTANA,  
By and through its Attorney General, AUSTIN  
KNUDSEN;

THE STATE OF ARIZONA, By and through  
its Attorney General, MARK BRNOVICH;

THE STATE OF UTAH, By and through its  
Attorney General, SEAN D. REYES;

Et al.,

PLAINTIFFS,

v.

XAVIER BECERRA, in his official capacity as  
Secretary of the U.S. Department of Health and  
Human Services;

THE U.S. DEPARTMENT OF HEALTH  
AND HUMAN SERVICES;

CHIQUITA BROOKS-LASURE, in her official  
capacity of Administrator of the Centers for  
Medicare and Medicaid Services;

CENTERS FOR MEDICARE AND  
MEDICAID SERVICES;

DEFENDANTS.

DECLARATION OF TRACY GRUBER

CIVIL ACTION No. \_\_\_\_\_

1. I am over the age of 18 and have personal knowledge of the facts set forth in this  
Declaration.

2. I am the Executive Director of the Utah Department of Human Services (UDHS).
3. UDHS oversees operations at the Utah State Hospital and the Utah State Developmental Center.
4. The Utah State Hospital offers both institutional and community-based mental health care to children and adults.
5. The Utah State Developmental Center is an intermediate care facility that provides care and support to individuals with disabilities. This support includes medical services.
6. The care and assistance for many of those receiving services at both the Utah State Hospital and the Utah Developmental Center is funded by Medicare or Medicaid.
7. The Utah State Hospital and the Utah State Developmental Center both adopted a policy in July 2021 that mandates their employees, including their many health care workers, get vaccinated or take a weekly Covid test.
8. Following issuance of this policy, the vaccination rate among workers at the Utah State Hospital increased from 72% to 86% and the vaccination rate at the Utah State Developmental Center increased from 61% to 70%.
9. The Utah State Hospital tests 119 employees on average for Covid on a weekly basis, and the Utah State Developmental Center tests 164 employees on average for Covid on a weekly basis.
10. Both the Utah State Hospital and the Utah Development Center are aware of employees who have expressed an intention to quit their jobs if they are required to get vaccinated, without a weekly testing opt-out option.
11. Utah already has a serious direct care worker shortage in both its State Hospital and State Developmental Center that is jeopardizing client and staff safety and care.
12. At both the Utah State Hospital and the Utah State Developmental Center, the number of vacant staff positions has roughly doubled from September 2020 to September 2021. At the State

Hospital, vacancies went from 74 to 141 during that time period. At the State Developmental Center, vacancies went from 50 to 109 during that time period.

13. These entities cannot afford to lose any additional staff.

14. The portion of the policy adopted to mitigate Covid transmission in the Utah State Hospital and the Utah Developmental Center that allows employees to choose weekly testing instead of a vaccine was implemented to avoid further and unnecessary resignations of staff.

15. Implementation of a vaccine mandate without a weekly testing option will likely cause resignations of staff members; even a few resignations will exacerbate an understaffing problem that already exists.

#### **DECLARATION UNDER PENALTY OF PERJURY**

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the above statements are true and based upon my personal knowledge.

DATED: November 15, 2021.

/s/ Tracy Gruber

TRACY GRUBER

*(Signed copy of document bearing signature of Tracy Gruber is being maintained in the office of the Filing Attorney)*